

CHAPTER 18

Motor Vehicles and Traffic

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Sec. 18-1. Adoption.

Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., as amended, there is hereby adopted by reference Articles I and II, inclusive, of the 2003 edition of the *Model Traffic Code for Colorado Municipalities*, promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, Denver, Colorado 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City. The purpose of this Section and the code adopted herein is to provide a system of traffic regulation consistent with state law and generally conforming to similar regulations throughout the State and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the City Clerk and may be inspected during regular business hours. (Ord. 563 §1 (part); Ord. 829 §1; Ord. 1007 §1)

Sec. 18-2. Deletions.

The 2003 edition of the Model Traffic Code is adopted as if set out at length save and except the following articles and/or sections which are declared to be inapplicable to this municipality and are expressly deleted: Sections 1702 and 1705(1). (Ord. 1007 §2)

Sec. 18-3. Additions or modifications.

The Model Traffic Code as previously adopted by reference is modified by the following amendments, additions or modifications:

- (1) The last paragraph on Page 2 of the Forward is amended to read as follows:

"The exhibit on page 3 shows the role of the 'Model Traffic Code' in Colorado's uniform system of traffic regulation and control."

- (2) Section 103(2)(b), Scope and effect of Model Traffic Code – exceptions to provisions, is amended to read as follows:

"(2)(b) For provisions of sections 236, 1211, 1401, 1402, 1409(3) and 1413 of this Code which shall apply upon the streets and highways and elsewhere throughout this municipality."

- (3) Section 109.5(1), Neighborhood electric vehicles, is amended to read as follows:

"(1) Except as provided in section 42-4-111(1)(aa), C.R.S., no person shall operate a neighborhood electric vehicle, as defined in section 42-1-102(60), C.R.S., on a highway."

- (4) Section 236(1), Child-restraint systems required – definitions – exemptions, is modified by the addition of the following subsection (d) to read as follows:

"(d) Being transported in this state means anywhere in this municipality."

- (5) Subsection (2)(b) of Section 236(2), Child-restraint systems required – definitions – exemptions, is modified and amended to read as follows, including the addition of Subsection (2)(b)(I.5):

"(b) Unless excepted pursuant to subsection (3) of this section, every child, who is at least four years of age OR weighs forty pounds or more, being transported in this state in a privately owned noncommercial vehicle or in a vehicle operated by a child care center, shall be properly secured by one of the following safety devices approved for a child of such age or weight by the United States Department of Transportation, or in a safety belt, whichever is appropriate for the child:

"(I) Except as otherwise provided in subparagraph (I.5) of this paragraph (b), if the child is at least four years of age but less than six years of age and is less than fifty-five inches tall, the child shall be properly restrained in a child booster seat or with a child safety belt-positioning device.

"(I.5) If the child is at least four years of age, but less than six years of age and is less than fifty-five inches tall, and if the child is being transported in a vehicle equipped with only a two-point-lap-belt-only system available for the child, the child shall be properly restrained with a lap belt.

"(II) If the child is six years of age or older OR is fifty-five inches tall or more, the child shall be properly restrained with the motor vehicle's safety belt properly adjusted and fastened around the child's body."

(6) Section 508, Gross weight of vehicles and loads, is modified by the addition of the following Subsection (2), to read in its entirety as follows:

"(2) When official signs are erected giving notice thereof, no truck shall be moved or operated on any streets or parts thereof when the gross weight thereof exceeds 7,000 pounds; provided, however, that provisions of this subsection (2) shall not be construed to prohibit the driver of any truck from traveling over such streets or parts thereof, other than controlled-access roadways, for the purpose of delivering or picking up materials or merchandise or reaching a destination which occurs on such streets if such truck enters such streets at the intersection nearest the destination of the vehicle and proceeds thereon no farther than the nearest intersection thereafter. For purposes of this subsection (2), 'truck' shall not include any 'noncommercial or recreational vehicle.' The provisions of this subsection shall not apply to state highways within the City."

(7) Section 603, Obedience to official traffic control devices, shall be amended by the addition of Subsection (5), to read as follows:

"(5) Wherever barricades are erected to close off a part or all of a street or highway, no person shall drive around, through, or between such barricades or into the barricaded area except as directed or permitted by official signs or in compliance with the directions of a police officer or other authorized person."

(8) Section 711, Driving on mountain highways, is repealed in its entirety and reenacted to read as follows:

"711. Funeral processions.

"(1) A funeral procession shall be identified by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be required by the traffic or police authority of this municipality.

"(2) Each driver in a funeral procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe.

"(3) No driver of a vehicle shall drive between the vehicles comprising a funeral procession while said vehicles are in motion and when said vehicles are conspicuously designated as required in this section. This provision shall not apply at intersections where traffic is controlled by signals or police officers."

(9) Section 805(l), Pedestrians walking or traveling in a wheelchair on highways, is amended to read as follows:

"(1) Pedestrians walking or traveling in a wheelchair along or upon the streets and highways of this municipality shall:

"(a) Where sidewalks are not provided, pedestrians shall walk or travel only on a road shoulder as far as practicable from the edge of the roadway. Where neither a sidewalk nor road shoulder is available, any pedestrian walking or traveling in a wheelchair along and upon a highway shall walk as near as practicable to an outside edge of the roadway and, in the case of a two-way roadway, shall walk or travel only on the left side of the roadway facing traffic that may approach from the opposite direction; except that any person lawfully soliciting a ride may stand on either side of such two-way roadway where there is a view of traffic approaching from both directions.

"(b) Where sidewalks are provided, it shall be unlawful for any pedestrian to stand, sit or lay in or walk upon that portion of an adjacent roadway normally used by moving motor vehicle traffic."

(10) Paragraph (2)(g) of Section 1101, Speed limits, is amended to read as follows:

"(2)(g) Seventy-five miles per hour on surfaced, four-lane highways which are on the interstate system, as defined in section 43-2-101(2), C.R.S., or are freeways or expressways."

(11) Subsection (8) of Section 1101, Speed limits, is amended to read as follows:

"(8)(a) Notwithstanding any other provisions of this section, no person shall drive a vehicle on a highway which is on the interstate system, as defined in section 43-2-101(2), C.R.S., at a speed in excess of a maximum lawful speed limit of seventy-five miles per hour.

"(b) Notwithstanding any other provisions of this section, no person shall drive a vehicle on a highway which is not on the interstate system, as defined in section 43-2-101(2), C.R.S., at a speed in excess of a maximum lawful speed limit of fifty-five miles per hour, or the posted speed limited at such location, whichever is less.

"(c) The speed limits set forth in paragraphs (a) and (b) of this subsection (8) are maximum lawful speed limits and are not subject to the provisions of subsection (4) of this section.

"(d) This municipality shall not authorize any speed limit which exceeds fifty-five miles per hour on any highway which is not on the interstate system as defined in section 43-2-101(2), C.R.S., and shall not authorize any speed limit which exceeds seventy-five miles per hour on any highway which is on the interstate system, as defined in section 43-2-101(2), C.R.S.

"(e) The provisions of this subsection (8) are declared to be matters of both local and statewide concern requiring uniform compliance throughout the State.

"(f) In every charge of a violation of paragraph (a) or (b) of this subsection (8), the complaint, summons and complaint or penalty assessment notice shall specify the speed at which the defendant is alleged to have driven and also the maximum lawful speed limit applicable at the location where the defendant is alleged to have driven."

(12) Section 1101, Speed limits, is amended and modified by the addition of Subsection (12), to read in its entirety as follows:

"(12) Notwithstanding the foregoing provisions of this section 1101, the City of Fort Morgan does hereby adopt as the lawful speed limit or limits for traffic upon that portion of any interstate highway or state highway situated in the City of Fort Morgan, the adjusted speed limit or limits established by the State Department of Highway on Interstate Highway I-76 or any state highway within the corporate limits of the City of Fort Morgan."

(13) Section 1102, Altering of speed limits – when, is amended and modified by the addition of subsection (6), to read as follows:

"(6) Official Traffic Control Schedules for Designated Streets in the City of Fort Morgan, Part H of the Appendix to the 2003 Model Traffic Code in accordance with the provisions of sections 1101 and 1102, shall be kept by the chief of police, as traffic engineer of the City, in lieu of maintaining said schedules as a part of the text of this Code."

(14) Section 1203, Authority to impound vehicles, is hereby added to the Model Traffic Code:

"1203. Authority to impound vehicles.

"(1) Whenever any police officer finds a vehicle, attended or unattended, standing upon any portion of a street or highway right-of-way within this municipality in such manner as to constitute a violation of part 12 of this Code, or left unattended for a period of 24 hours or more and presumed to be abandoned, or where the driver thereof has been cited for a violation of section 1409 of this Code, or any person who shall leave a vehicle parked, standing or abandoned under the conditions prescribed by part 18 of article 4 of title 42, inclusive, C.R.S., such officer may require such vehicle to be removed and placed in storage in the nearest garage or other place of safety designated or maintained by the municipality.

"(2) Vehicles removed from streets or highways within this municipality and placed in storage as provided in this section 1203 shall be disposed of in accordance with the provision of state law, part 18 of article 4 of title 42, C.R.S.

"(3) Notwithstanding the authority granted by subsection (1) of this section 1203 to remove and store any vehicle left parked, standing or abandoned, any person, firm or corporation who shall leave any vehicle parked, standing or abandoned contrary to the provisions of subsection (1) of this section 1203 shall, also, be deemed guilty of a traffic infraction."

(15) Subsection (2) of Section 1204, Stopping, standing, or parking prohibited in specified places, is amended by the addition of the following provisions:

"(g) No person shall stop, stand or park a vehicle within an alley in such position as to block the flow of traffic within the alley or to block the driveway entrance or pedestrian entrance to any abutting property."

(16) Subsection (3) of Section 1204, Stopping, standing, or parking prohibited in specified places, is amended and modified to read as follows:

"(3) In addition to the restrictions specified in subsections (1) and (2) of this section 1204, no person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device, in any of the following places:

"(a) Within fifty feet of the nearest rail of a railroad crossing;

"(b) At any other place where official signs prohibit parking.

"(c) No person shall stop, stand or park a vehicle for any purpose or length of time in any restricted parking zone other than for the purpose specified on official signs marking such restricted zone and during the period of time the restriction is effective, except that the driver of a passenger vehicle may stop momentarily therein for the purpose of and while actually engaged in loading or unloading passengers when such standing or stopping does not interfere with the kind of traffic for which the zone is reserved.

"(d) On any street or at any place within this municipality where official signs or markings are posted giving notice of stopping, standing or parking restrictions or prohibitions, no person shall stop, stand or park a vehicle in any manner in violation of the provisions contained on such sign or signs or markings except for the purpose of loading or unloading passengers when such standing, stopping or parking does not obstruct, impede or endanger any traffic."

(17) Section 1204, Stopping, standing or parking prohibited in specified places, is amended by the addition of Subsections (6) and (7), to read as follows:

"(6) No person shall park a vehicle upon a roadway for the principal purpose of:

"(a) Displaying such vehicle for sale;

"(b) Washing, greasing, painting or repairing such vehicle except repairs necessitated by an emergency;

"(c) Displaying advertising.

"(7) No person shall stop, stand or park a vehicle on any highway ramp or on any other portion of the main-traveled way of such highway."

(18) Section 1212, Parking prohibition for specified vehicles on city streets, is hereby added to the Model Traffic Code:

"1212. Parking prohibitions for specified vehicles on city streets.

"(1) Application: The prohibitions hereinafter set forth shall apply to the following vehicles:

"(a) 'Camper coach' means an item of mounted equipment, weighing more than five hundred (500) pounds, which when temporarily or permanently mounted on a motor vehicle adapts such vehicle for use as temporary living or sleeping accommodations, 102(9);

"(b) 'Camper trailer' means a wheeled vehicle having an overall length of less than twenty-six (26) feet, without motive power, which is designed to be drawn by a motor vehicle over the public highways and which is generally and commonly used for temporary living or sleeping accommodations, 102(10);

"(c) 'Farm tractor' means every motor vehicle designed and used primarily as a farm implement for drawing plows and mowing machines and other implements of husbandry, 102(23);

"(d) 'Implement of husbandry' means every vehicle which is designed for agricultural purposes. It also includes equipment used solely for the application of liquid, gaseous and dry fertilizers. Transportation of fertilizer, in or on the equipment used for its application, shall be deemed a part of application if it is incidental to such application. It also includes hay balers, hay stacking equipment, combines, tillage and harvesting equipment, and other heavy movable farm equipment primarily used on farms and not on the highways. Trailers specially designed to move such equipment on highways shall, for the purposes of Section 4-4-42, C.R.S., be considered as component parts of such implements of husbandry, 102(30);

"(e) 'Mobile machinery' or 'self-propelled construction equipment' means those vehicles, self-propelled or otherwise, which are not designed primarily for the transportation of persons or cargo over the public highways, and those motor vehicles which may have originally been designed for the transportation of persons or cargo over the public highways, and those motor vehicles which may have originally been designed for the transportation of persons or cargo but which have been redesigned or modified by the mounting thereon of special equipment or machinery, and which may be only incidentally operated or moved over the public highways. This definition includes but is not limited to wheeled vehicles commonly used in the construction, maintenance and repair of roadways, the drilling of wells and the digging of ditches, 102(37);

"(f) 'Motor home' means a vehicle designed to provide temporary living quarters and which is built into, as an integral part of or a permanent attachment to, a motor vehicle chassis or van, 102(40);

"(g) 'Noncommercial' or 'recreational vehicle' means a truck operated singly or in combination with a trailer or utility trailer when the truck does not exceed six thousand five hundred (6,500) pounds or a motor home, which truck or motor home is used exclusively for pleasure, enjoyment, other recreational purposes or family transportation of the owner, lessee or occupant and is not used to transport cargo or passengers for profit, hire or otherwise in any business or commercial enterprise, 102(44);

"(h) 'Pole, pipe trailer' or 'dolly' means every vehicle of the trailer type having one (1) or more axles not more than forty-eight (48) inches apart and two (2) or more wheels used in connection with a motor vehicle solely for the purpose of transporting poles or pipes and connected with the towing vehicle both by chain, rope, or cable and by the load without any part of the weight of said dolly resting upon the towing vehicle. All the registration provisions of Articles 1 to 4 of Title 42, C.R.S., shall apply to every pole, pipe trailer or dolly, 102(54);

"(i) 'Semitrailer' means any wheeled vehicle, without motor power, designed to be used in conjunction with a laden or unladen truck tractor so that some part of its own weight and that of its cargo load rests upon or is carried by such laden or unladen truck tractor and that is generally and commonly used to carry and transport property over the public highways, 102(67);

"(j) 'Trailer' means any wheeled vehicle, without motive power and having an empty weight of more than two thousand (2,000) pounds, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and which is generally and commonly used to carry and transport property over the public highways, 102(82);

"(k) 'Trailer coach' means any wheeled vehicle having an overall width not exceeding eight (8) feet and an overall length, excluding towing gear and bumpers, of not less than twenty-six (26) feet and not more than forty (40) feet, without motive power, which is designed and generally and commonly used for occupancy by persons for residential purposes, in temporary locations, and which may occasionally be drawn over the public highways by a motor vehicle and is licensed as a vehicle, 102(83(a));

"(l) 'Utility trailer' means any wheeled vehicle weighing two thousand (2,000) pounds or less, without motive power, which is designed to be drawn by a motor vehicle and which is generally and commonly used to carry and transport personal effects, articles of household furniture, loads of trash and rubbish, or not to exceed two (2) horses over the public highways, 102(87).

"(2) Unless a permit shall have been issued by the City to authorize a vehicle to be temporarily parked or stored at a specific location within the City, no person shall park or store any "vehicle" as specified in Subparagraph (1) hereof on any public street, alley or right-of-way within the City limits that is not within a designated industrial zone district or other area specifically posted to permit such parking, except for the purpose of loading or unloading of persons and/or property or by an operator using an adjacent motel or hotel, and then only for a

period not to exceed seventy-two (72) hours. Such temporary placement may not last more than seventy-two (72) hours, but trying to avoid the intent of this Section, by moving the vehicle a short distance, attaching it to a tow vehicle or driving it around the block does not start a new seventy-two hour period. The parking limitations imposed by Sec. 6-11(a) of the Fort Morgan Municipal Code (1994) shall continue to apply as therein provided for a motor home or travel trailer, except as amended hereby. No camper coach, camper trailer, motor home, recreational vehicle, trailer coach or utility trailer shall be used for dwelling or sleeping purposes while parked in any such place.

"(3) No such vehicle shall be stored on any lot in a residential or business district in such manner as to impede visibility of pedestrian or vehicular traffic.

"(4) Any person, firm or corporation owning or operating a vehicle parked in violation of any provision of this Section shall be subject to a fine of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00). It shall constitute a separate offense each calendar day that a violation occurs or continues."

(19) Section 1401, Reckless driving, is amended to read as follows:

"1401. Reckless driving – penalty.

"(1) Any person who drives any motor vehicle, bicycle or motorized bicycle anywhere in this municipality in such a manner as to indicate either a wanton or a willful disregard for the safety of persons or property is guilty of reckless driving. A person convicted of reckless driving of a bicycle or motorized bicycle shall not be subject to the provisions of Section 42-2-127, C.R.S.

"(2) Any person who violates any provision of this section commits a traffic offense."

(20) Section 1402, Careless driving, is amended to read as follows:

"1402. Careless driving – penalty.

"(1) Any person who drives any motor vehicle, bicycle or motorized bicycle anywhere in this municipality in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic and use of the streets and highways and all other attendant circumstances, is guilty of careless driving. A person convicted of careless driving of a bicycle or motorized bicycle shall not be subject to the provisions of section 42-2-127, C.R.S.

"(2) If the person's actions are the proximate cause of bodily injury or death to another, such person commits a traffic offense."

(21) Section 1409, Compulsory insurance - penalty, is amended to read in its entirety as follows:

"1409. Compulsory insurance – penalty.

"(1) No owner of a motor vehicle required to be registered in this state shall operate the vehicle or permit it to be operated on the public highways of this state when the owner has

failed to have a complying policy or certificate of self-insurance in full force and effect as required by law.

"(2) No person shall operate a motor vehicle on the public highways of this state without a complying policy or certificate of self-insurance in full force and effect as required by law.

"(3) When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a peace officer, no owner or operator of a motor vehicle shall fail to present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law.

"(4)(a) Any person who violates the provisions of subsection (1), (2) or (3) of this section commits a class 1 misdemeanor traffic offense. The minimum fine imposed by Section 42-4-1701(3)(a) (II)(A) shall be mandatory, and the defendant shall be punished by a minimum mandatory fine of not less than five hundred dollars. The court may suspend up to one-half of the fine upon a showing that appropriate insurance as required pursuant to Section 10-4-619 or 10-4-624, C.R.S., has been obtained. Nothing in this paragraph (a) shall be construed to prevent the court from imposing a fine greater than the minimum mandatory fine.

"(b) Upon a second or subsequent conviction under this section within a period of five years following a prior conviction under this section, in addition to any imprisonment imposed pursuant to Section 42-4-1701(3)(a) (II)(A), the defendant shall be punished by a minimum mandatory fine of not less than one thousand dollars, and the court shall not suspend such minimum fine. The court or the court collections' investigator may establish a payment schedule for a person convicted of the provisions of subsection (1), (2) or (3) of this section, and the provisions of Section 16-11-101.6, C.R.S., shall apply. The court may suspend up to one-half of the fine upon a showing that appropriate insurance as required pursuant to Section 10-4-619 or 10-4-624, C.R.S., has been obtained.

"(c) In addition to the penalties prescribed in paragraphs (a) and (b) of this subsection (4), any person convicted pursuant to this section may, at the discretion of the court, be sentenced to perform not less than forty hours of community service, subject to the provisions of Section 18-1.3-507, C.R.S.

"(5) Testimony of the failure of any owner or operator of a motor vehicle to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law, when requested to do so by a peace officer, shall constitute prima facie evidence, at a trial concerning a violation charged under subsection (1) or (2) of this section, that such owner or operator of a motor vehicle violated subsection (1) or (2) of this section.

"(6) No person charged with violating subsection (1), (2) or (3) of this section shall be convicted if the person produces in court a bona fide complying policy or certificate of self-insurance that was in full force and effect as required by law at the time of the alleged violation.

"(7) The owner of a motor vehicle, upon receipt of an affirmation of insurance as described in Sections 42-3-113(2) and (3), shall sign and date such affirmation in the space provided."

(22) Section 1413, Eluding or attempting to elude a police officer, is amended to read as follows:

"1413. Eluding or attempting to elude a police officer. Any operator of a motor vehicle who the officer has reasonable grounds to believe has violated a state law or municipal ordinance, who has received a visual or audible signal such as a red light or a siren from a police officer driving a marked vehicle showing the same to be an official police, sheriff, or Colorado state patrol car directing the operator to bring the operator's vehicle to a stop, and who willfully increases his or her speed or extinguishes his or her lights in an attempt to elude such police officer, or willfully attempts in any other manner to elude the police officer, or does elude such police officer anywhere in this municipality commits a traffic offense."

(Ord. 829; Ord. 1007 §3; Ord. 1018 §2; Ord. 1026 §1; Ord. 1042)

Sec. 18-4. Penalties.

Section 1701 of the Model Traffic Code is repealed and reenacted to provide for the following penalties, herewith set forth in full, which shall apply to all violations of the Model Traffic Code adopted herein:

"1701. Traffic offenses classified – schedule of fines.

"(1)(a) It shall be a traffic offense or a traffic infraction, as specified in the Common Code of Traffic Violations which is hereby adopted by reference and incorporated herein as if set forth in full, for any person to violate any provision of this Code.

"(b) A traffic infraction shall constitute a civil matter. In all cases involving solely a traffic infraction, all questions of fact and law shall be heard and decided by the municipal judge without a jury and there shall be no trial by jury.

"(2)(a)(I) Except as provided in subsections (3) and (4) of this section, traffic infractions are divided into two classes which shall be subject to the following penalties which are authorized upon entry of judgment against the defendant:

<i>Class</i>	<i>Min. Penalty</i>	<i>Max. Penalty</i>
A	\$5 penalty	\$200 penalty
B	\$5 penalty	\$200 penalty

"(II)(A) Except as provided in Subsections (3) and (4) of this section, traffic offenses are divided into two classes which are distinguished from one another by the following penalties which are authorized upon conviction:

<i>Class</i>	<i>Min. Sentence</i>	<i>Max. Sentence</i>
1	Ten days imprisonment, or \$100 fine, or both	One year imprisonment, or \$1,000 fine, or both
2	Five days imprisonment, or \$10 fine, or both	Ninety days imprisonment, or \$300 fine, or both

"(B) Any person convicted of a class 1 or class 2 traffic offense may be sentenced to perform a certain number of hours of community or useful public service in addition to any other sentence provided by subparagraph (A) of this subparagraph (II), subject to the conditions and restrictions of section 16-11-701, C.R.S.

"(3)(a)(I) Except as provided in paragraph (c) of subsection (4) of this section, every person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of any provision of this Code to which the provisions of paragraph (a) or (b) of subsection (4) of this section shall apply shall be fined or penalized in accordance with the penalty schedule set out in the Common Code attached hereto and incorporated herein; or, if no penalty is specified in the schedule, the penalty for class A and class B traffic infractions shall be \$5.00. These penalties shall apply whether the defendant acknowledges the defendant's guilt or liability in accordance with the procedure set forth in paragraph (a) of subsection (4) of this section or is found guilty by a court of competent jurisdiction or judgment by default has entered against the defendant.

"(II) Any person convicted of violating section 507 or 508 shall be fined pursuant to Table 1, Penalty for Overweight Violations (507 and 508), set out in the Common Code, whether the defendant acknowledges defendant's guilt pursuant to the procedure set forth in paragraph (a) of subsection (4) of this section or is found guilty by a court of competent jurisdiction.

"(III) Any person convicted of violating any of the provisions of section 510 shall be fined in accordance with Table 2, Penalty Chart for Weight in Excess of Weight Authorized by Special Permit (510), set out in the Common Code attached hereto and incorporated herein, whether the violator acknowledges the violator's guilt pursuant to the procedures set forth in paragraph (a) of subsection (4) of this section or is found guilty by a court of competent jurisdiction.

"(b)(I) The schedule in subparagraph (I) of paragraph (a) of this subsection (3) shall not apply when the provisions of paragraph (c) of subsection (4) of this section prohibit the issuance of a penalty assessment notice for a violation of the aforesaid traffic violation.

"(II) The schedules in subparagraph (II) and subparagraph (III) of paragraph (a) of subsection (3) shall apply whether the violator is issued a penalty assessment notice or a summons and complaint.

"(4)(a) At the time any person is arrested for commission of any traffic offenses set forth in this Code, the arresting officer may, except when the provisions of paragraph (c) of this subsection (4) prohibit it, offer to give a penalty assessment notice to the defendant. At any time that a person is charged with a commission of any traffic infraction, the officer shall, except when the provisions

of paragraph (c) of this subsection (4) prohibit it, give a penalty assessment notice to the defendant. Such penalty assessment notice shall contain all the information required by section 1707(3) or section 1709, whichever is applicable. The fine or penalty specified in the Common Code for the violation charged may be paid at the office of the clerk of the municipal court, either in person or by postmarking such payment within ten (10) days from the date the penalty assessment notice is served upon the defendant. The clerk may accept late payment of any penalty assessment up to twenty (20) days after such payment becomes due. In the case of an offense other than a traffic infraction, a defendant who otherwise would be eligible to be issued a penalty assessment notice but who does not furnish satisfactory evidence of identity or who the arresting officer has reasonable and probable grounds to believe will disregard the summons portion of any such notice may be issued a penalty assessment notice if the defendant consents to be taken by the officer to the nearest mailbox and to mail the amount of the fine or penalty thereon to the clerk. The officer shall advise the person arrested or cited of the points to be assessed in accordance with Section 42-2-127, C.R.S. Acceptance of a penalty assessment notice and payment of the prescribed fine or penalty thereon to the clerk shall be deemed a complete satisfaction for the violation, and the defendant shall be given a receipt which so states when such fine or penalty thereon is paid in currency or other form of legal tender within the time limits prescribed herein. A check tendered by the defendant to and accepted by the clerk and on which payment is received by the city shall be deemed sufficient receipt. If the person who receives the penalty assessment notice pays the fine and any surcharge for the violation on or before the date the payment is due, the points assessed for the violation shall be reduced as follows:

"(I) For a violation having an assessment of three or more points, the points shall be reduced by two points;

"(II) For a violation having an assessment of two points, the points shall be reduced by one point.

"Any person who pays the fine specified and who thereby is eligible for an automatic point reduction shall be assessed a \$10.00 administrative surcharge, in addition to the fine imposed.

"(b) In the case of an offense other than a traffic infraction, should the defendant refuse to accept service of the penalty assessment notice when such notice is tendered, the officer shall proceed in accordance with section 1705 or section 1707. Should the defendant charged with an offense other than a traffic infraction accept service of the penalty assessment notice but fail to post the prescribed penalty thereon within ten (10) days thereafter, the notice shall be construed to be a summons and complaint unless payment for such penalty assessment has been accepted by the clerk as evidenced by receipt. Should the defendant charged with a traffic infraction accept the notice but fail to post the prescribed penalty thereon within ten (10) days thereafter and should the clerk not accept payment for such penalty as evidenced by receipt, the defendant shall be allowed to pay such penalty thereon and the docket fee to the clerk of the court referred to in the summons portion of the penalty assessment notice during the two (2) business days prior to the time for appearance as specified in the notice. If the penalty for a traffic offense is not timely paid, the case shall thereafter be heard in the municipal court.

"(c)(I) The penalty schedules of subsection (3) of this section and the penalty assessment notice provisions of paragraphs (a) and (b) of this section (4) shall not apply to violations constituting traffic offenses not specified in section 42-4-1701(4), C.R.S., nor shall they apply to

the violations constituting traffic offenses or traffic infractions as specified in said subsection (4), in any of the following cases:

"(A) In a violation of section 1101(2), the defendant exceeded the maximum lawful speed limit by more than twenty-four (24) miles per hour;

"(B) In a violation of section 1101(1), the defendant exceeded the reasonable and prudent speed under the conditions then existing by more than twenty-four (24) miles per hour;

"(C) The alleged violation has caused or contributed to the cause of an accident resulting in appreciable damage to property of another or in injury or death to any person; or

"(D) Reckless driving;

"(E) Exhibition of speed or speed contest;

"(F) No proof of insurance;

"(G) Eluding a police officer;

"(H) Failed to stop for school bus.

"(II) In all cases where this paragraph (c) prohibits the issuance of a penalty assessment notice, the penalty schedule contained in the Common Code shall be inapplicable. In all cases where the penalty schedule is inapplicable, the provisions of subsection (2) of this section shall apply.

"(d) In addition to any other cases governed by this section, the penalty schedule contained in the Common Code shall apply in all cases in which an officer was authorized by the provisions of this subsection (4) to offer a penalty assessment notice for the commission of a traffic offense but such officer chose not to offer such penalty assessment notice.

"(5) The penalties and surcharges imposed for speeding violations under part 11 of this Code are doubled if the speeding violation occurs within a maintenance, repair or construction zone that is so designated by the Colorado Department of Transportation or by the Fort Morgan Street Department pursuant to the requirements of section 42-4-614, C.R.S.

"(6) The penalty and surcharge imposed for any moving traffic violation under the Model Traffic Code is doubled if the violation occurs within a school zone so designated pursuant to section 42-4-615, C.R.S.

"(7) An officer coming upon an unattended vehicle which is in apparent violation of any provision of this Code may place upon the vehicle a penalty assessment notice indicating the offense or infraction and directing the owner or operator of the vehicle to remit the penalty assessment provided for in the penalty schedule of the Common Code to the clerk of the municipal court within ten (10) days. If the penalty assessment is not paid within ten (10) days of the issuance of the notice, the clerk shall mail a notice to the registered owner of the vehicle, setting forth the offense or infraction and the time and place where it occurred and directing payment of the penalty assessment within twenty (20) days from the issuance of the notice. If the penalty assessment is not paid within such twenty (20) days from the date of mailing of such notice, and

the violator fails to appear on the return date on the penalty assessment notice, judgment shall be entered against the registered owner of the vehicle.

"(8) Notwithstanding the provisions of paragraph (b) of subsection (4) of this section, receipt of payment by mail by the clerk or postmarking such payment on or prior to the tenth day after the receipt of the penalty assessment notice by the defendant shall be deemed to constitute receipt on or before the date the payment was due."

(Ord. 829 §3; Ord. 933 §1; Ord. 940 §1; Ord. 1007 §3)

Sec. 18-5. Application.

This Chapter shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. The provisions of Sections 236, 1401, 1402, 1409(3) and 1413 of the code, respectively concerning child-restraint systems, safety belt systems, reckless driving, careless driving, compulsory insurance and eluding a police officer, shall apply not only to public places and ways but also throughout this municipality. In addition, any provisions of the Model Traffic Code specifically made applicable to public property or private property shall apply throughout this municipality. (Ord. 829; Ord. 1007 §5; Ord. 1018 §1)

Sec. 18-6. Validity.

If any part or parts of this Chapter are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have passed the ordinance codified in this Chapter and each part hereof, irrespective of the fact that any one (1) part or parts be declared invalid. (Ord. 563 §1(part); Ord. 829; Ord. 1007 §6; Ord. 1018 §3)

Sec. 18-7. Interpretation.

This Chapter shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of this Chapter and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof. (Ord. 563 §1(part); Ord. 829; Ord. 1007 §8; Ord. 1018 §5)